

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ELIZABETH FLINT,

Plaintiff,

DECLARATION OF
MITCHELL S. SEGAL, ESQ.

- against -

1:18-cv-05534-ERK-SJB

ATLANTIC NETWORKS, LLC, CHIPSHOP
CORP. AND THE ATLANTIC CHIP SHOP LLC,

Defendants.

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MITCHELL SEGAL, an attorney duly admitted to practice in the United States District Court of the Eastern District of New York, affirms the following under the penalties of perjury:

1. I represent the Defendants CHIPSHOP CORP. AND THE ATLANTIC CHIP SHOP LLC.
2. Both of these entities owned restaurants which are now closed.
3. The Defendants CHIPSHOP CORP. AND THE ATLANTIC CHIP SHOP LLC previously settled their claims with the Plaintiff.
4. Additionally as properly stated in this Courts Order to Show Cause filed on January 23, 2020 the remediation sought by the Plaintiff was completed or cannot be completed because the public accommodation is closed.
5. Consequently, the ADA claims filed by the Plaintiff are moot and the Court has no subject matter jurisdiction over the ADA claims nor supplemental jurisdiction over the state claims.
6. The mootness doctrine stems from Article III of the Constitution, which grants the Judicial

Branch authority over “Cases” and “Controversies”. See *Already, LLC v. Nike, Inc.* 133 S. Ct. 721,727(2013). An “actual controversy must exist not only at the time the complaint is filed, but through all stages of the litigation””. *Id.* As such the case is moot.

7. The Plaintiff’s complaint should be dismissed for lack of subject matter jurisdiction in addition to the alleged cross claims of Defendant Atlantic Networks, LLC, which should be litigated in landlord tenant court.

Dated: Great Neck, New York
February 6, 2020

/s/ Mitchell Segal

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